

**MINISTRY OF COMMERCE & INDUSTRY**  
**DEPARTMENT OF COMMERCE**  
**(Directorate General of Anti-Dumping & Allied Duties)**

**NOTIFICATION**

**New Delhi, the 6<sup>th</sup> March 2007**

**Initiation**

**(Sunset Review)**

**Subject: Initiation of Sunset Review of the definitive anti-dumping duty imposed on imports of Sodium Nitrite originating in or exported from European Union.**

**15/6/2006(SSR)-DGAD** Having regard to the Customs Tariff Act, 1975 as amended in 1995 and the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, the Designated Authority (herein after referred to as Authority) recommended imposition of Anti Dumping Duty on imports of Sodium Nitrite (hereinafter referred to as subject goods) originating in or exported from European Union (hereinafter referred to as subject countries/territory). The preliminary findings, final findings and amendment notification of the Authority were published vide notifications dated 1.2.2002, 28.10.2002 and on 24.3.2005 respectively. On the basis of findings and amendment, provisional duty, definitive anti dumping duties and amended definitive duties on the subject goods imported from subject countries/territory were imposed by the Department of Revenue vide notifications Nos. 34/2002-Customs dated 28.3.2002, 132/2002-Customs dated 29.11.2002 and notification No.51/2005-customs dated 27.5.2005 respectively.

**2. Request for Review**

WHEREAS in terms of the Customs Tariff (Amendment) Act 1995 the antidumping duty imposed shall unless revoked earlier, cease to have effect on expiry of five years from the date of such imposition.

AND Notwithstanding the above provision the Authority is required to review, on the basis of a duly substantial request made by or on behalf of the domestic industry, within a reasonable period of time prior to the date of the expiry of the measure, whether the expiry of duty is likely to lead to continuation or recurrence of dumping and injury.

AND WHEERAS, in terms of the above provisions, M/s Deepak Nitrite Ltd, Pune and M/s Punjab Chemicals & Crop Protection Ltd., Chandigarh (hereinafter referred to as applicant) representing the Domestic Industry have approached the Authority with a duly substantiated Application requesting for such a review, the Designated Authority considers that initiation of sunset review proceedings for the Anti Dumping Duty in force would be appropriate to examine the need for continued imposition of such duty to offset dumping and whether the injury would be likely to continue or recur if the duty were removed or varied or both.

### **3. Grounds for review**

The request is for continuation of the antidumping duties in force. The request is based on the grounds that dumping has continued in spite of imposition of antidumping duty on import of the subject goods from European Union and the domestic industry continues to suffer injury on account of dumping from the subject countries/territory. The applicant has further argued that expiry of the measure against these countries/territory would be likely to result in continuation or recurrence of dumping and injury to the domestic industry.

The applicant also claims that revocation of anti-dumping measures would result in intensified injury to the domestic industry, therefore, the duty required to be continued for further period of five years.

### **4. Initiation**

Having satisfied itself on the basis of the positive evidence submitted by the domestic industry substantiating the need for a review, the Authority hereby initiates a review in accordance with Section 9 A (5) of the Act, read with Rule 23 of Antidumping Rules, to review the need for continued imposition of duties in force and whether the expiry of the duty would be likely to lead to continuation or recurrence of dumping and injury.

### **5. Product under Consideration**

Product under consideration in the sunset review is same as was defined in the original investigation i.e. Sodium Nitrite in all its form.

Sodium Nitrite is an inorganic chemical and is oxidizing as also a reducing agent. It is a white crystalline powder mostly used in pharmaceuticals industries, dye industries, lubricants, construction chemicals, rubber blowing agent, heat transfer salts, meat processing, textiles etc.

It is classified under Custom Sub-heading 2834.2901 under Chapter 28 of the Customs Tariff Act, 1975.

## **6. Procedure**

**I)** The investigation will determine whether the expiry of the measure would be likely to lead to a continuation or recurrence of dumping and injury. The Authority will examine whether the continued imposition of the duties is necessary to offset dumping and whether the injury would be likely to continue or recur if the duty were removed or varied, or both:-

- i. The review will cover all aspects of Notification No.54/1/2001-DGAD dated 28.10.2002 read with 54/1/2001-DGAD dated 24.3.2005
- ii. The countries/territory involved in this review investigation are European Union.
- iii. The period of investigation for the purpose of the present review is from 1<sup>st</sup> October 05 to 30<sup>th</sup> September 2006. The injury investigation period will however cover the periods April,2003-March,04, April,2004–March,2005, April,2005-March,2006 and the POI.
- iv. The provisions of Rules 6,7,8,9,10,11,16,17,18,19 and 20 of the Rule supra shall be mutatis mutandis applicable in this review.

## **II) Submission of Information:**

The exporters in subject countries/territory, their governments through their Embassies in India, the importers and users in India known to be concerned and the domestic industry are being addressed separately to submit relevant information in the form and manner prescribed and to make their views known to the Authority in the following address:

**The Designated Authority**  
Directorate General of Anti-Dumping and Allied Duties  
Ministry of Commerce and Industry

Department of Commerce  
Udyog Bhavan New Delhi-110011.

Fax: 91-11-23063418

Any other interested party may also make its submissions relevant to the investigation in the prescribed form and manner within the time limit set out below. Any party making any confidential submission before the

Authority is required to make a non-confidential version of the same available to the other parties.

### **III) Time Limit:**

Any information relating to the present sunset review and any request for hearing should be sent in writing so as to reach the Authority at the address mentioned above not later than forty days (40 Days) from the date of publication of this Sunset Review Notification. If no information is received within the prescribed time limit or the information received is incomplete, the Designated Authority may record its findings on the basis of the facts available on record in accordance with the Rules supra.

### **IV) Inspection of Public File:**

In terms of Rule 6(7), any interested party may inspect the public file containing non-confidential version of the evidence submitted by other interested parties. In case where an interested party refuses access to, or otherwise does not provide necessary information within a reasonable period, or significantly impedes the investigation, the Authority may record its findings on the basis of the facts available to it and make such recommendations to the Central Government as deemed fit.

**(Dr. Christy Fernandez)**  
**Designated Authority**